PETITION FOR SPECIAL EXCEPTION 88-172-X

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property for \_\_physicians of fices pursuant to Section\_\_\_\_\_

1801.1.C.9B as a special exception in a DR-3.5 zone

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Attorney for Petitioner:

Edward C. Covahey, Jr.

(Type or Print Name)

Signature

614 Bosley Ave.,

Attorney for Petitioner:

917 Southwick Rd.

296-8646

Phone No.

Towson, MD 21204

City and State

Name, address and phone number of legal owner, consequence of legal owner, conseq

Address

Towson, MD 21204

City and State

City and State

Attorney's Telephone No.: \_\_828-9441

Address

Name
614 Bosley Ave.

Towson, MD 21204

Address

Phone No.

Rame
614 Bosley Ave.

Address

Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this \_\_27th\_\_\_\_\_\_ day

of \_\_September\_\_\_\_\_, 19\_87\_, that the subject matter of this petition be advertised, as

required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning

Output of Baltimore County in Room 106, County Office Building in Towson, Baltimore

Zoning Commissioner of Baltimore County.

ESTIMATED LENGTH OF HEARING (6Ver).

AVAILABLE FOR HEARING

MON./TUES./HED. - NEXT THO MONTHS

OTHER

DATE 6/25/91

James M. Sowa, et ux Case No. 88-172-X

that the Petition for Special Exception for physicians' offices pursuant to Section 1801.1.C.9B in a DR 3.5 zone is hereby GRANTED, subject to the following restrictions:

- There will be no signs of any type or size advertising the site as an M.D.'s office posted on the property.
- 2. Appointments will be limited to the time between 9:00 A.M. and 4:00 P.M., Monday through Friday.
- 3. For the convenience of his patients, suggested directions as to parking spaces and routes of exit from the neighborhood shall be posted by the physician within the confines of the office.

Any appeal from this decision must be in accordance with

Rules B-1 thru B-13 of the Maryland Rules of Procedure.

Lawrence E. Schmidt, Acting Chairman

Harry E. Buchheister, Jr.

COUNTY BOARD OF APPEALS

IN THE MATTER OF
THE APPLICATION OF
JAMES M. SOWA, ET UX
FOR SPECIAL EXCEPTION
ON PROPERTY LOCATED ON THE
EAST SIDE SOUTHWICK DR., 160'
SOUTH OF CENTER LINE OF
SIBLEY RD. (917 SOUTHWICK DR.)
9th ELECTION DISTRICT

4th COUNCILMANIC DISTRICT

BEFORE
COUNTY BOARD OF APPEALS

BALTIMORE COUNTY
No. 88-172-1

## OPTHION

This case comes before this Board on appeal from a decision of the Zoning Commissioner dated December 10, 1987, denying the requested special exception for a physician's office in a DR 3.5 zone. The property is at 917 Southwick Drive in the 9th Election District of Baltimore County.

The facts as presented are as follows. The property is a split-level residence located several blocks within the Campus Hills subdivision of some 367 homes. The Petitioner has utilized his residence for providing medical services to patients with rheumatoid arthritis since 1985. Prior to utilizing the site for his office, the Petitioner checked with the Baltimore County Medical Board for authorization, but failed to inquire with anyone to determine if the use was proper under the Baltimore County Zoning Regulations, (BCZR). Protestants are concerned with the precedent this petition for a special exception will have if granted, and the effect of increased and congested parking and traffic.

James M. Sowa, Petitioner in this case, testified at length as to the manner in which he utilizes his property for his medical specialty of rheumatology. The ground level entrance area and room configuration are very appropriate for patients with ambulatory difficulties. Patients are promptly seen only by appointment, with no waiting. Off-street parking is available and convenient to the office entrance. Dr. Sowa gave testimony that in 1986-1987 he saw a daily average of six (6) patients over a five day week.

James M. Sowa, et ux Case No. 88-172-X

Unlike other physicians, Dr. Sowa schedules and treats on atient at a time, as the primary treatment is counseling. The most number of patients scheduled on a day was twelve (12), never after 5:00 p.m. nor on weekends. Many of Dr. Sowa's patients are seen in metropolitan hospitals.

A number of witnesses testified in support of Petitioner's request for the special exception. Mrs. Ann Louise Fallin, an original resident of Campus Hills and an approximate neighbor, didn't know the residence was a physician's office despite many walks by the property. She observed no unusual vehicular movement.

Mr. Mark Berger testified as to his severe handicap prior to becoming Dr. Sowa's patient, and of his extraordinary improvement and ability to be active at the age of 68. Over his half dozen visits a year, Mr. Berger testified that there basically is no traffic on the street of subject property during visiting hours.

Other witnesses testified to the traffic-free street, promptness of the appointments, and modest aspects of Dr. Sowa's practice at the residence.

Counsel for the Protestants presented several witnesses who expressed concern for the increased problems of parking on Southwick Road and the potential for traffic congestion in the vicinity of the subject property.

Mrs. Nancy Oswald testified to the increase in traffic and parking needs as patients park on the street rather than the driveway spaces provided by the physician.

Mr. Clifford Curley observed the problem of handicapped drivers maneuvering the limited width of passage when cars are parking on both sides of the street at the location of the physician's residence.

James M. Sowa, et un Case No. 88-172-X

Mrs. James Abendroth expressed concern for young children in the vicinity being subject to potentially hazardous vehicular movement in a neighborhood reasonably void of traffic prior to Dr. Sowa.

Mr. C. W. Kempske testified as a property owner, stating concern for others wanting the same special exception, and approval that would lead to future requests.

The determining factor in granting a special exception in a DR 3.5 zone is the compliance with the regulations of all sections of 502.1 of the BCZR. The deciding factor in this case is the question of a tendency for the special exception to cruate congestion and traffic conditions detrimental to the safety of residents in the locale of the property.

From the testimony and evidence received, the Board is of the opinion that all sections of 502.1 are in compliance. An average of less than twelve cars traversing Southwick Drive during the time of the physician's office hours is insignificant. The general welfare is not diminished and in fact is enhanced by the benefits received by rheumatoid patients. We also note that the operation of this physician's office, in comparison to those of other M.D.'s, is less intrusive upon the community. In that each case must be judged on its own merits, we are therefore persuaded to grant the special exception, subject to restrictions, and will so order.

## ORDER

For the reasons set forth in the aforegoing Opinion, it is this 8th day of June, 1988, by the County Board of Appeals, CRDERED

IN RE: PETITION FOR SPECIAL \* BEFORE THE

EXCEPTION

E/S Southwick Drive 160'so. \* ZONING COMMISSIONER

of c/l of Sibley Road

(917 Southwick Drive) \* OF BALTIMORE COUNTY

9th Election District

4th Councilmanic District \* Case No. 88-172-X

James M. Sowa, et ux

Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

\* \* \* \* \* \* \* \* \* \*

The Petitioners herein request a special exception to use the described property for physicians' offices pursuant to Section 1801.1.C.98 as a special exception use in a D.R.3.5 zone, as more fully described on Petitioner's Exhibit 4.

The Petitioner was present and represented by Edward C. Covahey, Jr., Esquire. The Petitioner appeared and testified and was supported in his testimony of Michael B. Dallas, Registered Surveyor and Barbara Lynch. The Protestants, Mr. Wayne Kempske, Mr. J. Clifford Curley and Mr. Edward P. Abendioth were represented by attorney, Keith E. Ronald, and they all testi-

The testimony indicates that the Petitioner has a presently operating two room doctor's office in the basement of his home located at 917 Southwick Drive, Towson, Maryland 21204. The subject property is a residential home in a community known as Campus Hills. Subject property is corrently zoned D.R.3.5 and the Petitioner has operated at this location since 1984 when he purchased the home. The Petitioner is a medical doctor in the exclusive practice of treating arthritic conditions and severe rheumatory conditions. The Petitioner has one employed, a medical secretary, and most of his patients are elderly individuals and the appointments average approximately 1/2 hour

each. The Petitioner sees a maximum of 12 people on a normal business day during the hours normally from 9:00 A.M. to 5:00 P.M.

Further testimony of the registered surveyor, Mr. Michael B. Dallas, a qualified expert, was to the effect that he had reviewed the subject request and the particular property in question and had determined that the property meets all of the conditions precedent of Section 502.1 of the Baltimore County Zoning Regulations (B.C.Z.F). Furthermore, it was his professional opinion that the parking was adequate for a maximum of three vehicles and that no additional off-street parking was necessary.

The Protestants testified that the operation of the medical offices in the residential community tended to adversely effect the residential neighborhood and the residential nature of the neighborhood. There was extensive concern over the amount of traffic created by the operation of medical offices on Southwick Road and the traffic confusion caused by vehicles making U turns at Sibley Road and Southwick Road. There was also extensive testimony about the additional street side parking caused by the use of a portion of this tesidence as a doctor's office.

The Campus Hills Community Association indicated its disapproval of the requested doctor's office by special exception. Testimony indicated that there was a desire to maintain the residential neighborhood in a strictly residential form and to prevent the ingress of additional commercial establishments. There was additional Protestant testimony concerning the lack of appropriace off-street parking and the congestion caused to the streets by the lack of off-street parking. Testimony was taken from some of the Protestants concerning the failure of the Petitioner to properly screen the property and to decrease the interference of the residential character of the neighborhood by this business operation.

The Petitioner seeks relief pursuant to Section 502.1 of Section 1801.1.C.9B of the B.C.Z.R.

After reviewing all of the tesimony and evidence presented, it appears that the requested special exception, as applied for, should not be granted. There is conflicting testimony as to impact of this proposed use upon the effected neighborhood and as to the congestion in the streets and alleys of the neighborhood. Furthermore, there is obstantial issue raised to the impact generated by the actual operation of this physician's office upon the general welfare of the community.

Therefore, I find that the Petitioner has not met his burden of adducing testimony and evidence which tends to establish that the prescribed standards and requirements sor forth in Section 502.1 of the B.C.Z.R. have, in fact, been complied with. Furthermore, I find that these standards have not been complied with during the actual operation of this physician's office in this particular neighborhood. Therefore, I also find that the operation is inconsistent with the spirit and intent of the Baltimore County Zoning Basyalations and is harmful to the general welfare of the community.

Fursuant to the advertisement, posting of the property, the public poarring held, and it appearing that by reason of the requirements of Section 102.1 having not been met the relief requested must be denied and, therefore, the special exception should be denied.

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 1/2 day of December, 1987 that the Petition for Special Exception for a physician's office, pursuant to Section 1801.1.C.98 as a special exception use in the D.R.3.5 zone be and is hereby DENIED.

- 2 -

- 3 -

IT IS FURTHER ORDERED by the Zoning Commissioner of Baltimore County that the physician's office shall be removed from the subject property on or before January 31,1988.

BALTIMORE COUNTY

cc: Peoples Counsel cc: Keith E. Ronald, Esquire cc: Wayne Kempske cc: J. Clifford Curley

cc: Edward P. Abendroth

917 Southwick Drive Towson, Maryland 21204

> Re: Petition for Special Exception Case Nos. 88-172-X

Pursuant to the recent hearing held on the subject case, please be advised that your Petition for a Special Exception has been DENIED.

If you have any questions concer ing this matter, please do not hesitate to contact this office.

very truly yours,

ZONING COMMISSIONER

- REQUEST SHOULD GO CHE CIRCUIT COURT. - DIRECT PIMT TO MR. FABER SENT THROUGH JEH /MN/FINANCE \_\_\_\_\_ ise # 88-172-X In the Matter of David Sowa. M.D. 917 Southwick Drive NEED THIS REQUEST

ne decision set forth in the abovearance of Mark A. Faber, Esq., as send all necessary correspondence,

ve address. altimore County, Maryland" is attached

Thank you in advance for your cooperation in this matter.

PECEIVED ZONING OFFICE

BACK - HOLD

Baltimore County Board of Appeals Old Courthouse, Room #205 Towson, Haryland 21204 RE: Petition for Special Exception

E/S Southwick Drive, 160' S of c/l of Sibley Road (917 Southwick Drive) 9th Election District - 4th Councilmanic District James M. Sowa, et ux - Petitionera Case No. 88-172-X

Please be advised that on January 5, 1988 an appeal of the decision rendered in the above-referenced case was filed by Edward C. Covaney, Jr., Attorney for Petitioner. All materials relative to the case are being forwarded to your office herewith. Please notify all parties to the case when a date and time for the appeal hearing has been scheduled.

If you have any questions concerning this matter, please do not hesitate to contact this office.

Very truly yours,

J. ROBERT HAINES

Zoning Commissioner cc: Edward C. Covahey, Jr., Esquire, Attorney for Petitioner 614 Bosley Avenue, Towson, Maryland 21204

Keith Ronald, Esquire, Attorney for Protestanto 408 Washington Avenue, Suite 314, Towson, Maryland 21794

People's Counsel

SUITE 200 24 W. PENINSYLVANIA AVENUE TOWSON, MO. 21204

## ZONING DESCRIPTION -- 917 SOUTHWICK DRIVE

BEGINNING for the same on the easternmost side of Southwick Drive (fifty feet wide) at the distance of 160.00 feet southerly from the intersection of said easternmost side of Southwick Drive and the centerline of Sibley Road (fifty feet wide), said puint of beginning also being on the division line between Lots Numbers 9 and 10, Block "O", as shown on the Plat entitled, "Campus Hills, Sec. South-III-B", as recorded among the Land Records of Baltimore County in Plat Book G.L.B. No. 22 folio 83. thence leaving said Southwick Drive and binding on said division line between Lots Numbers 9 and 10 South 89 degrees 23 minutes 08 seconds East 77.91 feet to the common corner of Lots Numbers 9, 10 and 11 as shown on said Plat, thence binding on the division line between Lots Numbers 9 and 11 as shown on said Plat South 19 degrees 17 minutes 19 seconds East 116.99 feet to the common corner of Lots Numbers 8, 9, 11 and 12 as shown on said Plat, thence binding on the division line between Lots Numbers 8 and 9 as shown on said Plat North 89 degrees 23 minutes Q8 seconds East 117.74 feet to the easternmost side of said Southwick Drive, thence binding said side of said Southwick Drive North 00 degrees 36 minutes 52 seconds East 110.00 feet to the place of beginning. The improvements thereon being known as No. 917 Southwick Drive.

BEING Lot Number 9 as shown on the Plat entitled, "Campus Hills, Sec. South-III-B", as recorded among the Land Records of Baltimore County in Plat Book G.L.B. No. 22 folio 83.

CONTAINING 10,760 square feet of land, more or less.

June 3, 1987



Request Notification: P. David Fields, Director of Flanning James Hoswell, Office of Planning & Zoning J. Robert Haines, Zoning Commissioner Ann M. Nastarowicz, Deputy Zoning Commissioner

James E. Dyer, Zoning Supervisor Myring defaction ( ). King)

CAMPUS HILLS COMMUNITY ASSOCIATION, INC. MEETING OF THE BOARD OF DIRECTORS November 5, 1987

A meeting of the Board of Directors of Campus Hills Community Association, Inc. was held at 712 Scarlett Drive in Towson, Maryland on Thursday, November 5, 1987, at 8:00 P.M., pursuant to notice.

In attendance were the number of directors legally sufficient to constitute a quorum, in accordance with the Bylaws of the Association. Rosemary M. Ranier served as Chairperson of the meeting and Mary Ann Tartal acted as Secretary thereof.

The Chairperson announced that the purpose of the meeting was to discuss the Petition for Special Exception filed by Dr. and Mrs. James Sowa of 918 Southwick Drive to permit a portion of their residence to be used as a medical office. The Petition, which has been assigned a Case Number 88-172-X, is scheduled for a hearing before the Zoning Commissioner of Baltimore County on Monday, November 9, at 9:00 A.M.

The Directors discussed the merits and disadvantages of the Petition. It was noted that Dr. Sowa has been operating a medical office from his home for some time and that this operation had already been the subject of a zoning violation proceeding. It was further noted that the ope, ition of any portion of Dr. Sowa's house as a medical office constituted a violation of Section 1 of the restrictive covenants which were applicable to certain homes in the Campus Hills Community including Dr. Sowa's by that Agreement recorded among the Land Records of Baltimore County in Liber No. 3203, folio 226, which provides among other things, that "The lots herein mentioned and described shall be used for private, residential purposes only...".

Following additional discussion, the following Resolutions were duly made, seconded and unanimously adopted:

Petition for Special Exception E/S Southwick Drive, 160' S of c/l of Sibley Road (917 Southwick Drive) 9th Election District - 4th Councilmanic District James M. Sowa, et ux - Petitioners Case No. 88-172-X

Petition for Special Exception Description of Property Certificate of Posting

Certificates of Publication

Entry of Appearance of People's Counsel

Zoning Plans Advisory Committee Comments Director of Planning & Zoning Comments

Petitioner's Exhibits: 1 - Color Photographs of Property (3 sheets)

2 - Calendar of Appointments

3 - Letter of support from Mrs. G. F. Langer dated

June 18, 1937

4 - Plat of Property revised June 18, 1987

Horvath dated November 8, 1987

Protestant's Exhibits: 1 - Record Plat of Campus Hills Sec. South - III - B 2 - Copy of Minutes from Campus Hills Board Meeting

dated November 5, 1987 3 - Letter of Opposition w/attachment from Mrs. Donna

Zoning Commissioner's Order dated December 10, 1987

Letter of Appeal received Junuary 5, 1988 from Edward C. Lovakey, Jr., Esquire, Attorney for Petitioner

Edward C. Covancy, Jr., Esquire, Attorney for Fetitioner 614 Bosley Avenue, Towson, Maryland 21204

Keith Ronald, Esquire, Attorney for Protestants 408 Washington Avenue, Suite 314, Towson, Maryland 2,204

Phyllis Cole Friedman, Esquire, People's Counsel of Baltimore County 8m. 223, Old Courthouse, Towson, Maryland 21204

> "RESOLVED, that Campus Hills Community Association, Inc. hereby takes the formal position of opposing that Petition for Special Exception pending before the Office of the Baltimore County Zoning Commissioner in Case #88-172-X; and it is further

"RESOLVED, that Wayne Kempske is hereby authorized and directed to represent Campus Hills Community Association, Inc. at the public hearing to be held on Dr. Sowa's Petition on Monday, November 9, and testify on behalf of the Association in accordance with the foregoing Resolution."

There being no further business to come before the meeting, it was adjourned.

Mary Ann Tartal, Secretary

CERTIFICATE OF PUBLICATION TOWSON, MD., OCT 21 , 1987 THIS IS TO CERTIFY, that the annexed advertisement was published in the TOWSON TIMES, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on Oct 21, 1987 CATION: East Side of Souther

Susan Senders Obrect

Buing the property of James M. Bown, at us, as shown an plot plan that with the Zoning Citics.

in the event that this Patition(s)

LOCATION: East Side of South-wick Drive, 160 feet South of Cen-terline of Sibley Road (917 Souths)

wick Drive)
DATE AND TIME: Monday,

The Zoning Commissioner of Bales timore County, by authority of the Zoning Act and Regulations of Balts more County, will hold a public

Petition for Special Exception for

Petition for Special Edge of Petition of Special Petition of Special Petition of Petition

request for a stay of the absule of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above of made at the hearing.

By Order Of
J. ROBERT HAINES
Zoning Commissioner
of Baltimore County

CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on Oct 22, 19 87

THE JEFFERSONIAN,

Gusan Senders Obrecti

November 8, 1987

Mr. J. Robert Haines County Zoning Commissioner 111 West Chesapeake Avenue Towson, Maryland 21204

Re: Issuing a Zoning Variance on Southwick Drive

Dear Mr. Haines:

I would like to voice my opposition to issuing a zoning variance or the above address as I am a resident of Campus Hills and the mother of wo young children. I feel the issuing of such a variance would increase ne traffic on my road, thus endangering the lives of my children. It would so increase the traffic of strangers in the neighborhood and in this day and age, safety of children should come first.

Second, if you issue a variance for one individual (be it a doctor, lawyer, builder, etc.), then you must issue a variance for everyone else. In this event, our residential community would surely slowly become a business

Should you require any further information, please feel free to contact me at home, 321-9325. Thank you for your time in reading my letter.

Very truly yours. Donne Downto Mrs. Donna Horvath 1000 Southwick Court Towson, Maryland

EXHIBIT 3

RE: PETITION FOR SPECIAL EXCEPTION : BEFORE THE ZONING COMMISSIONER E/S Southwick Dr., 160' S of C/I

of Sibley Rd. (917 Southwick : OF BALTIMORE COUNTY Dr.), 9th District

JAMES M. SOWA, et ux, Petitionera

final Order.

ENTRY OF APPEARANCE

. . . . . . . .

Please enter the appearance of the People's Counsel in the abovecaptioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or

> Phyllis Cole Friedman People's Counsel for Baltimore County

Peter Max Zimmerman Deputy People's Counsel Room 223, Court House Towson, Maryland 21204 494-2188

I HEREBY CERTIFY that on this 14th day of October, 1987, a copy of the foregoing Entry of Appearance was mailed to Edward C. Covahey, Jr., Esquire, 614 Bosley Ave., Towson, MD 21204, Attorney for Petitioners.

> Peter Wax Zumen Peter Max Zimmerman

> > June 18, 1987

Kenderschizentertenge Dr. James Sowa 917 Southwick Dr. Campus Hills Towson, Md. 21204

As a resident of Campus Hills for 25 years and a client of Dr. Sowa As a resident of Campus Hills for 25 years and a client of Dr. Sowa I feel that he should be able to see clients in his office, situated r reer char he shourd be abre to see crients unobtrusively in the back of his residence. Since his is a specialized practice and by appointment only, there are never more than two(2) or three (3) cars in the driveway at a

This does not create undue traffic on Southwick Drive or in the com-

munity. His property is well maintained.

Dr. Sowa is a welcome addition to the community and we ask your con-Dr. Sowa is a welcome addition to the community and we ask your consideration in making a special exception of this case, and allowing him to maintain an unobtrusive office in the rear of his residence. Thank you tor your careful consideration.

Very truly yours, 1. J. Langer Mrs. G. F. Langer 908 Shelley Rd. Campus Hills Towson, Md. 21204

THE JOHNS HOPKINS CHILDREN'S CENTER

November 1, 1987

J. Robert Haines Zoning Commissioner, Baltimore County 111 West Chesapeake Ave. Towson, Maryland 21204

Re: Case #88-172-Y Physician's Office in Home:
Dr. James M. Sowa 917 Southwick Dr. 21204

Dear Mr. Haines:

As the owner and resident of 911 Southwick Drive, I am writing to express my strong objection to the requested zoning variance to allow Dr. James Sowa to use his home as his medical office. To my knowledge, Dr. Sowa has practiced medicine from his home, in direct violation of zoning restrictions and community covenants, for more than two years.

A physician myself, in the private practice of general and consultative Pediatrics in the Towson area, I am very aware of the personal and professional economic value of using one's home as one's office. I am equally aware of the burden it places on a residential community.

Dr. Sowa lists himself with the Maryland State Medical Association (Med-Chi) and in the phone directory as a practitioner of Internal Medicine and Rheumatology. It is not the community standard for this type of practice to be held in one's home. Indeed, the vast majority of practices of Rheumatology are located adjacent to or within a hospital setting to offer their patients ready access to required ancillary services such as physical therapy, rehabilitation medicine, or diagnostic equipment. The extent to which Dr. Sowa offers such diagnostic or therapeutic technology within his home is not known

While his home offers ready access to handicapped individuals, there is no shortage of more appropriate medical office space, in properly zoned buildings, in the greater Towson area. Indeed, for the past several months, handicapped access first-floor office space has been available for lease on Providence Road, within walking

ADDRESCENT MEDICINE Anvoid T Signer M.D. Comerne DeAngels, M.D. ALLERGY & ASTHMA Venneth C. Schutterth MD. Jorres R. Bores MD. CARDIOLOGY Jean S Kan MD Langlaid kidd MD Kenneth G Zarka MD

> LOCATION: East Side of Southwick Deve, 140 lers South of Centerium of Subley Road (917 South)

wick Drive!
DATE AND TIME: Monday,
DATE AND TIME: Monday,
November 9 1987 at 900 a m.
November 9 1987 at 900 a m.
PUBLIC HEARING: Room 10e,
County Office Building, 111 W.
County Concerns Avenue, Towson,

Maryland
The Zoning Commissioner of Baltimure County, by authority of the
Zoning Act and Regulations of Baltimore County, is all hold a public

hearing: Petition for Special Exception for

physicians for Special Exception of physicians offices. Being the property of James M. Saws. et us, as shown on plat plans hird with the Zoning Office. In the event that the Petitionis) in provide, a bushing permit may be present within the thirty (30) day appeal period. The Zoning Communications will, however, entertain any request for a stay of the seasoner of said period during this period for good cause shown. Such request must be received in writing by the date of the hearing set above re

date of the bearing set above 's made at the hearing.

PETE YON POR SPECIAL EXCEPTION SP Election District

LOCATION East Suits of Southern

Ores, 160 test South of Contenting of School Publish 1917 Southeach Drove DATE AND TEST Manday, Marvett

ter 8 1987 at 9:00 a.m. PUBLIC HE AFIRES Room 106 County Office Building, 111 M Chee-speake Avenue, Towark, Maryland

The Zurung Commencement of Male-more County, by authority of the Zoung Act and Regulations of Belli-more County, will hold a public hear-

being the property of Jerre

In the event that this Petition

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must be received in ording by the case of the hearing but above to made at the hearing

CF BALTIMORE COUN KOSTO-AKONS VO CICL 21

By Order Of J. ROBERT HAINES

10/313 Oct 22

Noncy K Bornell M.D. ENDICIONALOGY GASTROXINTERCLOGY

Alon M. Loke M.D. XIV A. Permon, M.D.

Arnold I Soler MD William H Zinkham MD LEADHING DISABLITES Gay 8 Londman MD NEPHELOGY SOULD FROMES MD NEURODEVELOPMENT DISCROFTS Ciennia Whitehouse M.D.

Franton & Holden, M.O. Geron Tennelloun, M.D. John M. Freemon, M.D. NUITETION Charles D. Handr M.S. R.D. PSYCHOLOGICAL TESTING ENODER H AWARDS PAD G M VARION HELITA E

10807 FALLS ROAD SUITE 200 LUTHERVILLE, MARYLAND 21093 (301) 825-9500

CERTIFICATE OF PUBLICATION

TOWSON, MD., OCT 23, 1987 THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on Oct 22 1087

THE JEFFERSONIAN,

Gusan Suder Derect

CERTIFICATE OF PUBLICATION

TOWSON, MD. OCK 21. 1987 THIS IS TO CERTIFY, that the annexed advertisement was published in the TOWSON TIMES, a weekly newsprear printed and published in Towson, Baltimore County, Md., appearing on OCL 21 1987

TOWSON TIMES,

Glesan Verdee Christet

THE JOHNS HOPKINS CHILDREN'S CENTER

\* PAGE 2 \*

distance of his home.

While I rarely have the luxury to be home on personal business during his office hours, I have personally observed more than six cars in front of his and adjacent homes, parked by individuals who then entered his home (office). From direct comments of neighbors, I am aware that this is not an isolated observation. For comparison, commercial developers expect the need to provide 6 - 8 parking spaces per physician (or per 1000 sq. feet) in a medical building.

in conclusion, I see no reason why the denial of this request restricts Dr. Sowa's ability to practice medicine. To approve his request, on the other hand, would deny me, my family, and the other residents of this community the zoning protection necessary for a quiet residential environment.

I greatly appreciate your attention and concern in regard to this matter. I regret that my professional obligations prevent my attending the hearing on November 9th.

> Sincerely, Clan M Laks MD Alan M. Lake, M.D.

cc: Campus Hills Community Association

ALCRESCENT MELICINE Ancid I Sgiri MD Coheine DeAngels MD ALLERGY & ASTHMAN

CATALICYS

arran Silkan M.D.

ENDOCRINOLOGY GASTROENTEROLOGY Alan M Lake MD Joy A. Permon, MD

JEARNING DISABLITES Gay & Landman, M.D. NEPHROLOGY Soul D. Rosses, M.Q. NEURODEVELOPMENT DISORDERS

Dervie Whitehouse MO

CS SW WW COMC PSYCHOLOGICAL ASTING ENODER N. Ayword Ph.D. **CROSEN** CM WOOM AND L

NEUROLOGY

Kenton R. Holoten, M.D.

10807 FALLS ROAD SUITE 200 LUTHERVILLE, MARYLAND 21093 (301) 825-9500

RE: PETITION FOR SPECIAL EXCEPTION : BEFORE THE ZONING COMMISSIONER E/S Southwick Dr., 160' S of C/L OF BALTIMORE COUNTY of Sibley Rd. (91 Southwick

Dr.), 9th District Case No. 88-172-X JAMES M. SOWA, et ux,

Petitioners ::::::

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the abovecaptioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

> Phylles H. Friedman Phyllis Cole Friedman People's Counsel for Baltimore County

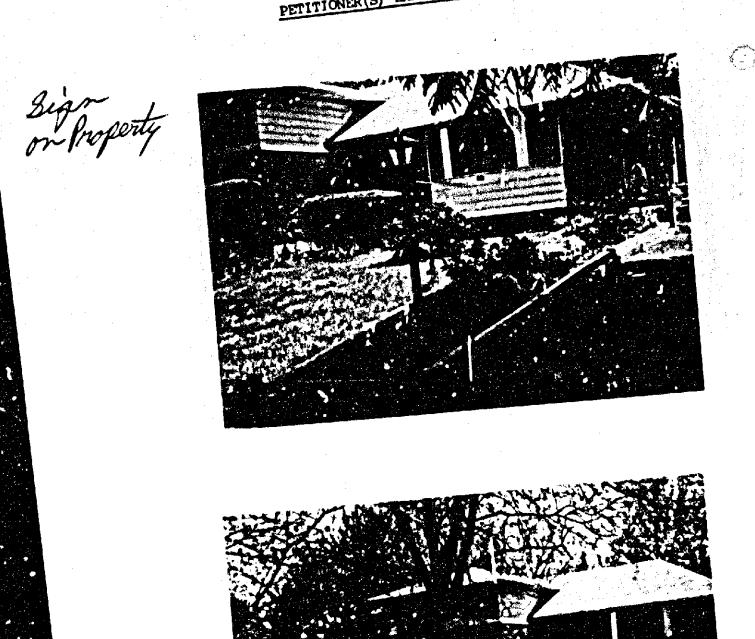
Peter Max Zimmerman Deputy People's Counsel Room 223, Court House Towson, Maryland 21204 494-2158

I HEREBY CERTIFY that on this 14th day of October, 1987, a copy of the foregoing Entry of Appearance was mailed to Edward C. Covahey, Jr., Esquire, 614 Bosley Ave., Towson, MD 21204, Attorney for Petitioners.

rete that amount

COVAHEY & BOOZER, P.A. ATTORNEYS AT LAW SIA BOSLEY AVENUE TOWSON, MARYLAND 21204 AREA CODE 301 REPLY TO: 828-9441 SUITE 101 EDWARD C. COVAHEY, JR. TOWSON MD 21204 F. VERNON BOOZER AREA CODE 301 MARK S. DEVAN ANTHONY J. DIPAULA 828-5525 December 29, 1987 J. Robert Haines J. Robert Haines
Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204 RE: CASE NO.: 88172-X JAMES SOWA, et ux. PETITION FOR SPECIAL EXCEPTION please treat this letter as a request for an appeal of the decision entered Prease treat this letter as a request for an appeal of the decision ent by your office on December 10, 1987. I have enclosed herewith my attorney escrow check in the amount of \$115.00 to cover the cost of same. Thank you for , or cooperation in this matter. Very truly yours, Edward C. Covahey, Jr. No. 33114 BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT RECEIVED Edward C. Covahev. Jr., Esquire, 614 Bosley Avenus
FROM. Towson, Maryland 21204 JAN 5 1988 James M. Sowa, et ux
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PETITIONER(S) EXHIBIT (1) Back



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J. ROBERT HAINES		
ZONING COMMISSIONER .		
November 3, 1987		
Edward C. Covahey, Jr.	Esquire	
A TO DE ALAN AVENUE	•• ·	
Towson, Maryland 2-2-	- CEPTION	
DE. PET	TION FOR SPECIAL EXCEPTION  On whitek Dr., 160' S of c/1 of Sibley	
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9th	Election District - Territories es M. Sowa, et ux - Petitioners	•
Jan	No. 88-172-X	_
Cas	-	
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THIS FEE MUST	BE PAID AND THE ZONING SIGN AND POST RET	
	s property from the time it r	iaced by
Do not remove	he day of the hearing itself.	
this office dicti	Paltimore County, Mar	yland, and remi
Please make t	e check payable to Baltimore County, Mar onm 113. County Office Building, Towson,	Maryland
BALTIMORE COUNTY, MARYLAND	No. 37989 -	
OFFICE OF FINANCE - REVENUE DIVISION		
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Edward C. Covaney, Jr., Esquire October 5, 1907
Ath Bosley Avenue
Towson, Maryland 21204
NOTICE OF HEARING
2/C Southwick Dr 100
Rd. (917 Southwick Dr.)
MA
lames M. Sowil, Ct ux
Case No. 88-172-X
0.00
TIME: 9:00 a.m.
Monday, November 9, 1987
That The second
PLACE: Room 106, County Office Building, 111 West Chesapeake
Avenue, Towson, Maryland
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BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE - REVENUE DIVISION OFFICE OF ANEOUS CASH RECEIPT
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October 5, 1987

10-20-87 Carl-Pleace File Then we arrive for our oppositionet there has been no more than the Get 19. 1987 Car - and posselines to ear parted Me: Notice of Heaving The Car To. 88-172-X there. He sprandly arrange his appointment very paston stooly. General Communication ZONING OFFICE Mi kaut axolder physician, en Las En spice en like beneard and is Gentleman: Prested mening in a residence it Lictor Down has been say physician since 1980 a specialed in phenometer arthritis. Nachter look. Much begt refere treat have what to brown medically as Mais prelier temerouse cost and Sojain". A enstellen derund from Many doctors retering due to Sumatria estantes - 18 con . dy successive operatory cost - it appear to les ets mans business Le stiliged and rest suruch. Lector Love's office, bring lector in displiffel printered in 4-day would to operate out of your tiens - of all journess Reverent france. Reightoniers to prost proofters Then the surroge office builting.

> ZONING DEPARTMENT OF BALTIMORE COUNTY Date of Posting 1915/67 Date of return: 15/16/19

PETITION FOR SPECIAL EXCEPTION

9th Election District - 4th Councilmanic District

Case No. 88-172-X

East Side of Southwick Drive, 160 feet South of Centerline of Sibley Road (917 Southwick Drive)

DATE AND TIME: Monday, November 9, 1987, at 9:00 a.m.

PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Special Exception for physicians' offices

Being the property of \_\_\_\_\_ James M. Sowa, et ux plan filed with the Zoning Office.

In the event that this Petition(s) is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

> J. ROBERT HAINES ZONING COMMISSIONER OF BALTIMORE COUNTY

Baltimore County Fire Department Towson, Maryland 21204-2586 494-4500 Paul H. Reincke

July 14, 1987

Mr. Arnold Jablon Zoning Commissioner Office of Planning and Zoning Baltimore County Office Building Towson MD 21204

Re: Property Owner: James M. Sowa, et ux Dennis F. Rasmussen

Location: E/S Southwick Dr., 160' S. c/1 Sibley Rd.

Item No.: 545 Zoning Agenda: Meeting of 7/7/87

Gentlemen:

Pursuant to your lequest, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

( ) 1. Fire hydrants for the referenced property are required and shall be located at intervals or \_\_\_\_ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.

( ) 2. A second means of vehicle access is required for the site.

( ) 3. The vehicle dead end condition shown at

EXCEEDS the ma. mum allowed by the Fire Department.

( ) 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

(x) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.

( ) 6. Site plans are approved, as drawn.

( ) 7. The Fire Prevention Bureau has no comments at this time.

PEVIEWER: 1 Sept Kelly 7-14-17 Approved: the form peoial Inspection Division

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Date\_\_\_October\_29\_1987\_\_\_\_\_ Mr. J. Robert Haines TO. Zoning Commissioner

Norman E. Gerber, AICP FROM Director of Planning and Zoning

SUBJECT\_Zoning\_Patition\_No. 88-172-X

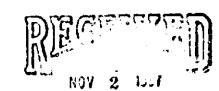
A County Review Group meeting is required. The plan must be revised to comply with the standards set forth in the baltimore County Landscape

This office is opposed to the location of the proposed parking area. It is the closest area on the site to an adjacent residence. Further, it is too close to the property line to provide an area for landscaping.

Norman E. Gerber, AICP

NEG: JGH: dme

cc: Ms. Shirley M. Hess, Legal Assistant, People's Counsel



ZONING OFFICE

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

November 3, 1987

Edward C. Covahey, Jr., Esquire 614 Bosley Avenue

Towson, Maryland 21204 RE: Item No. 5/5 - Case No. 88-172-X
Petitioner: James M. Sowa, et ux
Petition for Special Exception

The Zoning plans Advisory Committee has reviewed the plans submit-ted with the above-referenced petition. The following comments

Department of Traffic Engineering State Roads Committee Health Department Project Planning Building Department

Board of Education

Industrial

ted with the above-referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may plans or problems with regard to the Director of Flanning may file a have a bearing on this case. The Director of Flanning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning. Enclosed are all comments submitted from the members of the committee at this time that offer or request information on your committee at this time that offer or request information members are petition. If similar comments from the remaining members are petition. If similar comments from the remaining members are petition. If similar comments from the remaining members are petition. If similar comments from the remaining members are petition. If similar comments from the remaining members are petition. If similar comments from the remaining members are petition. If similar comments from the remaining file. This received, I will forward them to you. Otherwise, any comment that received, I will forward them to you. Otherwise, any comment that received, I will forward them to you. Otherwise, any comment that received, I will forward them to you. Otherwise, any comment that received, I will forward them to you. Otherwise, any comment that received, I will forward them to you. Otherwise, any comment that received, I will forward them to you. Otherwise, any comment that received, I will forward them to you. Otherwise, any comment that received, I will forward them to you. Otherwise, any comment that received, I will forward them to you. Otherwise, any comment that received, I will forward them to you. Otherwise, any comment that received, I will forward them to you. Otherwise, any comment that received, I will forward them to you.

Zoning Plans Advisory Committee

JED:kkb Enclosures

cc: Michael B. Dallas 24 W. Pennsylvania Avenue, Suite 200 Towson, Maryland 21204

Baltimore County
Department of Public Works Bureau of Traffic Engineering Courts Building, Suite 405 Towson, Maryland 21204 494-3554

Mr. Arnold Jablon



July 29, 1987

Zoning Commissioner County Office Building Towson, Maryland 21204 Item No. 545

Property Owner: Location: Existing Zoning: Proposed Zoning:

E/S Southwick Drive, 160 feet S centerline Sibley Road D.R. 3.5 Special Exception for a physician's office 10760 square feet 9th Election District

Dear Mr. Jablon:

Area:

District:

The site plan should be revised to provide for off-street parking.

Very truly yours,

Michael S. Flanigan Traffic Engineer Associate II

Meeting of July 7, 1987

James M. Sowa, et ux

County Board of Appeals of Baltimore County Room 200 Court House Coinson, Maryland 21204

(301) 494-3180 June 8, 1988

Edward C. Covahey, Jr., Esq. 614 Bosley Ave. Towson, Md. 21204

Dear Mr. Covahey:

Re: Case No. 88-172-X James M. Sowa, et ux

Enclosed herewith is a copy of the Opinion and Order passed today by the County Board of Appeals in the above entitled case.

June Holmen. Secretary

cr: Keith Ronald, Esq. James M. Sowa, et ux Arnold Jablon, Esq. Nancy West, Esq. P. Cavid Fields James Hoswell

J. Robert Haines

Ann Nastarowicz

James Dyer

Docket Clerk

#88-172-X

and the second s

E/s Southwick Dr., 160' S of c/l of Sibley Rd. (917 Southwick Drive) JAMES M. SOWA, ET UX

9th District

1 SIGN

W. THE THOMAS

W. LEE THOMAS, P. A. ATTORNEYS AT LAW SUITE 314 409 WASHINGTON AVENUE TOWSON, MARYLAND 21204 TELEPHONE (301) 296 6777

THEFOPER ( NOTE | NOTE | NOTE |

May 23, 1988

Lawrence E. Schmidt, Esquire Baltimore County Board of Appeals Room 200 Court House Towson, MD 21204

Board's rule 8(c).

KER:ff

Re: Case #88-172X James M. Sowa - Petition for Special Exception Dear Mr. Schmidt:

You will recall that in the above-referenced hearing on May 17, Mr. Covahey raised an objection to Mr. Kempske testifying as a Director of the Campus Hills Community Association. You ordered that, as a condition to hearing Mr. Kempske's testimony as a Board Member of the Association, it would be necessary to file minutes of a general membership meeting of the Association authorizing and directing Mr. Kempske to so act in compliance with the

Mr. Kempske has reviewed the minutes of the March, 1988 and October, 1987 general membership meetings. The sole reference in the October meeting was a sentence to the effect that Dr. Sowa's petition was discussed. No quorum was present at the Spring, 1938 meeting and the resolution moved theleat consequently was not adopted in accordance with the Association's By-Laws.

As a result, the Association is unable to comply with Rule 8(c). We would respectfully request, however, that Mr. Kempske's testimony be received as a concerned citizen a of Campus Hills.

> Very truly yours, Keith E. Ronald

Edward C. Covahey, Jr., Esquire Mr. C. Wayne Kempske

1/25/88 - Following notified of hear. set for Tues. May 17, 1988, at 10 a.m.:

Edward Covahey, Jr., Esq. Keith Ronald, Erq. James and Roberta Sowa Phytiis Friedman Cast P. D. Fields, J. Hoswell J. R. Haines, A. Nastarcuicz, J. Dyer, Doc. Clerk

88-172-X

Petitioner's

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County office Building 111 W. Chesapeake Avenue Towson, Maryland 2,204

Your petition has been received and accepted for filing this \_\_\_\_\_ day of \_\_\_\_\_\_, 19 87.

Petitioner \_\_ James M. Sown, et uz Received by: James E. Dyor

Chairman, Zoning Plans Edward C. Covahey, Jr., Esquire Advisory Committee

Case No. 88-172-X

RE: Petition for Special Exception E/S Southwick Drive, 160' S of c/l of Sibley Road (917 Southwick Drive) 9th Election District - 4th Councilmanic District James M. Sowa, et ux - Petitioners

Please be advised that on January 5, 1988 an appeal of the decision rendered in the above-referenced case was filed by Edward C. Covahey, Jr., Attorney for Petitioner. All materials relative to the case are being forwarded to your office herewith. Please notify all parties to the case when a date and time for the appeal hearing has been scheduled.

If you have any questions concerning this matter, please do not hesitate to contact this office.

> Very truly yours, ROBERT HAINES

> > Zoning Commissioner

JRH:bjs

cc: Edward C. Covahey, Jr., Esquire, Attorney for Petitioner 614 Bosley Avenue, Towson, Maryland 21204

Keith Ronald, Esquire, Attorney for Protestants 408 Washington Avenue, Suite 314, Towson, Maryland 21204

People's Counsel

COVAHEY & BOOZER, P.A. WAL TA SYBUROTTA 614 BOSLEY AVENUE TOWSON, MARYLAND 21204 AREA CODE 301

628-9441

EDWARD C. COVAHEY, JR. F. VERNON BOOZER MARK S. DEVAN ANTHONY J. DIPAULA

Dennis F. Rasmussen

G REPLY TO: ANNEX OFFICE SUITE 101 SOS BALTIMORE AVE. TOWSON, MD 21204 AREA CODE 301

826-5525

December 29, 1987

J. Robert Haines Baltimore County Zoning Commissioner County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204

RE: CASE NO.: 88172-X JAMES SOWA, et u... PETITION FOR SPECIAL EXCEPTION

Dear Mr. Haines:

Please treat this letter as a request for an appeal of the decision entered by your office on December 10, 1987. I have enclosed herewith my attorney escrow check in the amount of \$115.00 to cover the cost of same.

Thank you for your cooperation in this matter.

Very truly yours, Edward C. Covahey, Jr.

ECC, Jr./jab enclosure

cc: People's Counsel Keith E. Ronald, Esq. Wayne Kempake

JAN 5 1013

. . . . . . . . .

October 10, 1986

It certainly was nice to hear from you. I'm sorry the Association

is putting the pressure on you about the business. We went into business at 722 Scarlett Dr. in the fall of 1979 and kept the business until we moved in March 1985. My immediate neighbors knew of the business but never gave us any trouble. We were never active in the Association but two of my neighbors were, John Williams and John Cicero and they were well aware of our business. (John died in 1984 but Cicero should still live at 718 Scarlett Dr. If you should need more proof, the telephone company installed two lines in the lower portion of the home in late 1979 to give us two business lines in addition to our private one. In addition to Mann (Real Estate) Dolores Lilly, 804 Seaword Rd. engaged in Real Estate using her home phone number. I know of a couple more working as a consulting engineer using the home. I'll try to find

We haven't returned North since we moved to Florida. We love it out names and addresses for you. down here although it may not be the best place for me. What we need here in New Port Richey are doctors like you that take time and care about their patients. Sometimes I get the feeling all I represent is

I still go to Dr. Ganuza. I stopped for 7 months when we went on IIIO. That was a drastic mintake. Went back to Dr. Ganuza, by that time I couldn't even walk. He stopped the Gold and put me on Depen Tab. You remember my allergies! Well after 3 months of trying this drug I was so sick that I had to stop. Now Dr. Ganuza is trying Gold again, hoping it will work again. He said I only had one other medicine left, that is an anti-cancer drug. (Forgot the name of it, probably

couldn't spell it if I had remembered.) We will be visiting Baltimore, Campus Hills in particular on December 22, 1986. (Spending Christmas with the kids.) I will give your office a phone call in the morning of the 22nd and if you aren't booked up for the day, we will stop in to see you and give you any more information I can obtain.

Hoping to see you on the 22nd.

Sincerely,

28 October, 1987

J. Robert Haines Zoning Commission of Daltimore County 111 W. Chesapeake Towson, MD 21204

ZONING OFFICE

Dear Mr. Haines,

I am writing to you at the request of Dr. James Sowa who is petitioning for a special zoning exception (Case # 88-172-x). Dr. Sowa has asked me to describe the impact of his home-based medical practice on the immediate neighborhood as it affects me. My home is directly across the street from the Sowa's.

First off, I'll say that Dr. and Mrs. Sowa are desirable neighbors from the point of view that they appear to be responsible adults willing to care for the appearance of their home. The lawn and surrounding area is well kept.

The problems I see concerning the neighborhood are basically summed up as extra traffic in a "no throughfare" area and additional parking with it's attendant problems.

When our Community Association first became involved in the Sowa residence being used as a business they naturally balked. At that time Dr. Sowa attempted to document other cases of Campus Hills residents using their homes for business purposes. He cited me as one example because I was teaching a music student once per week for one hour at my home.

I suppose, like the Sowa's, I thought this was unnoticed by my neighbors and was therefore not problematic. I never really looked at it as having a 'business' in my home because of the small scale. Since it was pointed out as an example I have discontinued teaching in my home because this is a residential area and that is why I chose it as a desirable community for my

Surely the one extra car, once per week was not causing problems. Dr. Sowa, on the other hand, sees several patients during the week. These drivers are not sharp young people in general but rather older people with some form of illness.

This probably would not concern me if I had no children, but I do have an 8 year old son who has playmates nearby. Some of their homes are on the same side of the street; to get to others he must cross the street. This is where extra traffic seriously concerns me and other nearby families with children.

Problems concerning parking manifest themselves in several ways. My driveway is immediately across from the Sowa residence and my wife occasionally has difficulty backing from our drive onto the street when Dr. Sowa's patients are parked there. I will suggest that if his patients were to use his drive for parking this problem would be reduced.

Ano ...er difficulty for me is that patients will use my driveway for making U-turns as the neighborhood has no convenient through streets. This is of particular concern when the neighborhood children are riding bicycles or skateboards down our sidewalk. This point is worthy of consideration whether they use my driveway or Dr. Sowa's as the children play on both sides of Southwick Drive.

My final comments on this matter are that I am happy to say there are no signs - advertising or otherwise on Dr. Sowa's property. I must assume he has posted none out of respect for the area. This is appreciated. If his zoning exception request is approved I sincerely hope it will contain the stipulation that no signs be posted. Additionally I would expect that Dr. Sowa's business size/client base should be specifically limited such that any difficulties already present do not escalate.

I believe all the residents of Campus Hills would join me in asking that, if approved, this exception should not be perceived as a precedent setting action for the community. Any future requests of this type should be considered entirely on an individual basis.

I hope these comments help you arrive at a decision based upon a thorough understanding of the tranquility and safety we desire in our community.

Sincerely,

W. Hampton Childress III

920 Southwick Drive Towson, MD 21204

cc: Dr. James Sowa Mr. Wayne Kempske



County Board of Appeals of Paltimore County Room 200 Court House Towson, Maryland 21204

(301) 494-3180

January 25, 1988 NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). NO POSTPCNEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

JAMES M. SOWA, ET UX CASE NO. 88-172-X E/s Southwick Dr., 160° S of c/l of Sibley Rd. (917 Southwick Pr.) 9th Dist. - 4th Council. Dist.

SE--Physicians' offices in a DR 3.5 zone 12/10/87 - Z.C.'s Order-DENIED

TUESDAY, MAY 17, 1988, at 10 a.m. ASSIGNED FOR: Counsel for Petitioner CC: Edward C. Covahey, Jr., Esq. " " Protestants Keith Ronald, Esq. Fetitioners James and Roberta Sowa People's Counsel Phyllis C. Friedman Flanning Office P. David Fields James Hoswell Zoning Office J. Robt. Haines Ann Nastarowicz James Dyer Liscket Clerk

June Holman, Becy.

PEDIATRIC CONSULATION OF LANTS THE JOHNS HOPKING CHILDREN'S CENTER

November 1, 1 MOV 4 Ber ZONING OFFICE

NEWFACKS

J. Robert Haines Zoning Commissioner, Baltimore County 111 West Chesapeake Ave. Towson, Maryland 21204

Rei Case #88-172-X Bhysician's Office in Homes Dr. James M. Sowa 917 Southwick Dr. 21204

Dear Mr. Haines:

As the owner and resident of 911 Southwick Drive, I am writing to express my strong objection to the requested zoning variance to allow Dr. James Sowa to use his home as his medical office. To my knowledge, Dr. Sows her practiced medicine from his home, in direct violation of zoning restrictions and community covenants, for more than two years.

A physician myselt, in the private practice of general and consultative Pediatrics in the Towson area, I am very aware of the personal and professional economic value of using one's home as one's office. I am equally aware of the burden it places on a residential community.

Dr. Sowa lists himself with the Maryland State Medical Association (Med-Chi) and in the phone directory as a practitioner of Internal Medicine and Rheumatology. It is not the community standard for this type of practice to be held in one's home. Indeed, the vast majority of practices of Rheumatology are located adjacent to or within a hospital setting to offer their patients ready access to required ancillary services such as physical therapy, rehabilitation medicine, or diagnostic equipment. The extent to which Dr. Sowa offers such diagnostic or therapautic technology within his home is not known

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While his home offers ready access to handicapped individuals, there is no shortage of more appropriate medical office space, in properly zoned buildings, in the greater Towson area. Indeed, for the past several months, handicapped access first-floor office space has been available for lease on Providence Road, within walking

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distance of his home.

While I rarely have the luxury to be home on personal business during his office hours, I have personally observed more than six cars in front of his and adjacent homes, parked by individuals who then entered his home (office). From direct comments of neighbors, I am aware that this is not an isolated observation. To For comparison commercial developers expect the need to provide 6 - 3 parking spaces per physician (or per 1000 sq. feet) in a medical building.

In conclusion, I see no reason why the denial of this request restricts Dr. Sowa's ability to practice medicine. To approve his request, on the other hand, would deny me, my family, and the other residents of this community the zoning protection necessary for a quiet residential environment.

I greatly appreciate your attention and concern in regard to this matter. I regret that my professional obligations prevent my attending the hearing on Novamber 9th.

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Alan M. Lake, M.D.

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cc: Campus Hills Community Association

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